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SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 748 (1992) CONCERNING THE LIBYAN ARAB JAMAHIRIYA

PROVISIONAL SUMMARY RECORD OF THE 39th MEETING (CLOSED)

Held at Headquarters, New York,
on Wednesday, 16 February 1994, at 10.30 a.m.

Chairman: Mr. KOVANDA (Czech Republic)

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The meeting was called to order at 10.40 a.m.

ADOPTION OF THE AGENDA

Mr. ZHANG Jun (China) proposed that the tenth item on the agenda (S/AC.28/1994/COMM.10 and Add.1) should become the third item so that it could be considered immediately after the Guidelines (second item).

The agenda, as orally amended, was adopted.

The CHAIRMAN proposed that the Committee should take up the third item, as the Chinese representative had proposed, and postpone consideration of the second item until the representative of Oman arrived.

It was so decided.

NOTES VERBALES DATED 10 FEBRUARY 1994 FROM THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS (S/AC.28/1994/COMM.10 and Add.1)

The CHAIRMAN drew the Committee's attention to the notes verbales dated 10 February 1994 from the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Committee (S/AC.28/1994/COMM.10 and Add.1), requesting authorization to conduct an emergency medical evacuation.

Mr. ROSE (United States of America) said that, in order to promote a constructive atmosphere and facilitate the achievement of a consensus in the Committee, he would not object to the request.

The CHAIRMAN said that he would communicate the Committee's authorization to the Permanent Representative of the Libyan Arab Jamahiriya.

It was so decided.

ADOPTION OF THE GUIDELINES OF THE COMMITTEE FOR THE CONDUCT OF ITS WORK (continued) (S/AC.28/1994/CRP.2/Rev.2)

Paragraph 8

The CHAIRMAN said that extensive consultations had been held on that paragraph and proposed that, as a compromise solution, the words "These criteria are not exhaustive or restrictive" should become the final sentence of paragraph 7. The amended text of paragraph 8 would then read:

"8. The provisions of paragraph 7 shall not obviate or supersede the responsibility of national authorities to apply faithfully the assets-freeze provisions contained in resolution 883 (1993)."

Mr. ROSE (United States of America) and Ms. ARON (United Kingdom) supported the Chairman's proposal.

The CHAIRMAN said he would take it that the Committee wished to adopt paragraph 8, as orally revised.

It was so decided.

Paragraph 11

The CHAIRMAN proposed that, in the interest of clarity, the text of paragraph 11 should be replaced by the following text:

"11. The Committee notes that, in accordance with paragraph 5 of Security Council resolution 883 (1993), all States shall prohibit any provision to Libya, by their nationals or from their territory, of the items listed in the annex to that resolution. For ease of reference the list is also annexed to these Guidelines."

It was so decided.

The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the Guidelines, as orally revised, in their entirety, and that the Guidelines were in effect.

It was so decided.

NOTE VERBALE DATED 26 NOVEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF THE REPUBLIC OF KOREA TO THE UNITED NATIONS (S/AC.28/1993/COMM.38)

The CHAIRMAN drew the Committee's attention to a note verbale (S/AC.28/1993/COMM.38) - whose consideration the Committee had deferred previously - in which the Permanent Mission of the Republic of Korea requested authorization to evacuate from the Libyan Arab Jamahiriya a Korean aircraft which had been used to transport construction workers and materials in April 1992.

Mr. ROSE (United States of America) said that the Permanent Mission of the Republic of Korea had not provided additional information that would establish a relationship between the flight requested and paragraph 4 of resolution 748 (1992), nor could humanitarian reasons be invoked for approving the flight. In accordance with the provisions of paragraph 4 (a) of that resolution, the aircraft must remain in Libya.

The CHAIRMAN asked the representative of the United States if he thought that, pending additional information from the Permanent Mission of the

Republic of Korea, the request should be deferred, or whether it should be rejected.

Mr. ROSE (United States of America) said that, as an administrative practice and in view of the Committee's workload, the item should be deleted, on the understanding that, if the Mission of the Republic of Korea wished to provide additional information or to request that the Committee should reconsider the item in the light of other elements, it would have every right to do so.

Mr. CARDOSO (Brazil) said that, since the aircraft had entered Libyan territory before the sanctions had been implemented, there had been no violation. Accordingly, his delegation was prepared to accept the request to evacuate the aircraft from Libya.

Mr. ROSE (United States of America) said that his objection to the request from the Republic of Korea was strictly technical. The aircraft did not deserve to be subject to sanctions, but it should not leave Libya because the flight could not be made in accordance with paragraph 4 of resolution 748 (1992). Nonetheless, his delegation was willing to consider additional information which the Republic of Korea might provide concerning its request.

The CHAIRMAN said that, since the Committee took action by consensus, it could not approve the request and the authorities of the Republic of Korea would be so informed.

LETTER DATED 30 NOVEMBER 1993 FROM THE DIRECTOR-GENERAL OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (UNIDO) (S/AC.28/1993/COMM.39)

The CHAIRMAN drew the Committee's attention to a letter (S/AC.28/1993/COMM.39) in which UNIDO sought advice concerning its ongoing activities in the Libyan Arab Jamahiriya.

Mr. BONNAFONT (France) said that international technical cooperation was still possible in all areas which were not specifically prohibited in resolutions 748 (1992) and 883 (1993), in other words, the areas of air transport, production materials and the shipment of oil. Procedures for freezing assets should abide fully by the relevant provisions of resolution 883 (1993) but should not go beyond them.

Mr. ROSE (United States of America) proposed that, instead of approving the request at the current meeting, the Committee should send a reply

to UNIDO, taking into account the remarks made by the representative of France, and that the text of the letter should be distributed to Committee members.

Mr. CARDOSO (Brazil) and Mr. CASTELLI (Argentina) supported the remarks made by the representatives of France and the United States.

Mr. RODRÍGUEZ (Spain) agreed with previous speakers but wished to clarify his delegation's position on the questions raised in the letter from UNIDO. UNIDO could continue its technical cooperation activities provided that they did not include activities in areas prohibited by Security Council resolutions 748 (1992) and 883 (1993). Cooperation activities could also continue to be undertaken under the self-financing scheme using funds supplied by the Libyan Government, provided that those funds had been obtained through the sale of oil or agricultural products. However, if technical cooperation was financed from other resources, that would pose a problem of interpretation. The request to use funds from the Self-Financing Trust Fund mechanism to pay the salaries of UNIDO representatives in the Libyan Arab Jamahiriya would not contravene the provisions of paragraph 3 of resolution 883 (1993), since the funds in question would not benefit Libyan businesses or entities.

Mr. ZHANG Jun (China) asked whether the question would be considered further or whether it would be dealt with under the "no-objection" procedure.

The CHAIRMAN said that the letter from UNIDO required a full reply and therefore, in his opinion, the "no-objection" procedure could not be used. It would be preferable to circulate the letter so that delegations could consult their respective Governments; the Committee could then return to the matter at a later date.

It was so decided.

LETTER DATED 8 DECEMBER 1993 FROM THE PERMANENT MISSION OF GERMANY TO THE UNITED NATIONS (S/AC.28/1993/COMM.48)

The CHAIRMAN drew the Committee's attention to a letter from the Permanent Representative of Germany (S/AC.28/1993/COMM.48) requesting authorization to build a sea-water desalination plant in Tripoli.

Ms. ARON (United Kingdom) said she had no objection to the project in principle, but since some of the articles mentioned in the annex to the letter were prohibited under the Security Council resolutions, the Committee should tell the Permanent Representative of Germany that it would not oppose the request provided that those articles were excluded.

Mr. ROSE (United States of America) suggested that the reply should include the words "the request as currently worded" to make it more specific. While not wishing to block the project, he would like the Permanent Mission of Germany to submit a report on the kinds of pipes and pumps that would be used in the project.

The CHAIRMAN said he took it that the Committee wished to approve the request to build a desalination plant, with the modifications suggested by the representatives of the United Kingdom and the United States of America.

It was so decided.

NOTE VERBALE DATED 13 DECEMBER 1993 FROM THE PERMANENT MISSION OF MALTA TO THE UNITED NATIONS (S/AC.28/1993/COMM.49)

The CHAIRMAN drew attention to a note verbale from the Permanent Mission of Malta to the United Nations (S/AC.28/1993/COMM.49), which asked the Committee to clarify whether tickets issued by Libyan Arab Airlines before Security Council resolution 883 (1993) had entered into force could be accepted or endorsed by other airlines. Paragraphs 6 (b) and 12 of resolution 883 (1993) were very clear on that question: any commercial transaction was prohibited, including the acceptance or endorsement of tickets issued by the Libyan Arab Airlines. The request from Malta therefore violated the provisions of the resolution in question and was denied.

COMMUNICATION DATED 29 DECEMBER 1993 FROM THE RESIDENT REPRESENTATIVE OF THE UNITED NATIONS DEVELOPMENT PROGRAMME IN TRIPOLI (LIBYA)

The CHAIRMAN drew attention to a letter (S/AC.28/1994/COMM.1) requesting advice concerning the appeal by the Libyan Arab Jamahiriya of the Canadian Government's refusal to authorize Libyan students responsible for the air conditioning system at Tripoli airport to be trained in Canada.

Ms. ARON (United Kingdom) said that Canada had proceeded correctly: paragraph 6 (e) of resolution 883 (1993) prohibited any training whatsoever for airport maintenance personnel.

The CHAIRMAN suggested that the Committee secretariat should send a letter to the Libyan Arab Jamahiriya informing it that the Committee had not found sufficient grounds to support its objection to Canada's decision not to authorize training of those Libyan students.

It was so decided.

LETTERS DATED 19 JANUARY AND 3 FEBRUARY 1994 FROM THE PERMANENT REPRESENTATIVE OF SINGAPORE TO THE UNITED NATIONS (S/AC.28/1994/COMM.2 and Add.1)

The CHAIRMAN drew attention to two letters (S/AC.28/1994/COMM.2 and Add.1) which requested the Committee to indicate whether a foreign bank headquartered in Singapore could pay certain sums to an entity having links to the Libyan Government for the purchase of petroleum on behalf of one of the bank's clients.

Ms. ARON (United Kingdom) said that since all Member States were responsible for implementing the resolution, it would suffice for the authorities in Singapore to ascertain that the sums were indeed for petroleum. The transaction posed no other problems.

Mr. ROSE (United States of America) said that his delegation did not oppose the request. However, since the Committee was beginning to set precedents for future cases, he requested that the letter should be circulated under the "no-objection" procedure so that the question could be discussed if there were any reservations or quickly approved if there were none.

The CHAIRMAN agreed with the representative of the United States of America concerning the importance of those letters at a time when the Committee was beginning to implement Security Council resolution 883 (1993).

Mr. BONNAFONT (France) agreed with the representatives of the United States of America and the United Kingdom but believed that the letter to Singapore should include a paragraph reminding Singapore that each transaction would have to be considered separately, since the fact that the transaction in question had been authorized did not imply that in the future the authorities in Singapore could authorize the financing of import and export transactions involving the Libyan Arab Jamahiriya without authorization from the Committee.

The CHAIRMAN agreed with the representative of France and said that the letter should specify what the Committee did and did not authorize so that it would not be interpreted as approval in general.

It was so decided.

LETTER DATED 27 JANUARY 1994 FROM THE UNIVERSAL POSTAL UNION (S/AC.28/1994/COMM.8)

The CHAIRMAN drew attention to a letter from the Director General of the Universal Postal Union (S/AC.28/1994/COMM.8) asking the Committee to clarify

certain questions relating to the payment or collection of delivery and transit charges for mail going to or coming from the Libyan Arab Jamahiriya.

Mr. BONNAFONT (France) said that the issue was a complicated one which posed problems for his Government, which consequently needed more time to consider the question in detail.

The CHAIRMAN said he would take it that the item should be kept pending but removed from the agenda until delegations informed him that they were in a position to consider it at a future meeting.

It was so decided.

The meeting rose at noon.